

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TODD ROBBEN,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

1:21-cv-00657-HBK (HC)

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner Todd Robben is a state parolee and is proceeding *pro se* on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 on April 20, 2021. (Doc. No. 1). Petitioner paid the \$5.00 filing fee. (Receipt No. CAE1000481). Although petition is currently under the supervision of Kern County, which is located within the jurisdiction and venue of this court's Fresno Division, the petition challenges petitioner's state sentence and conviction that was entered by the El Dorado County Superior Court, which is located within the jurisdiction and venue of the Sacramento Division of this court. (*Id.* at 1). Petitioner concedes that his petition should have been filed in the Sacramento Division but was filed in the Fresno Division in order that it be timely filed. (*Id.* at 7-8).

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated (here, serving parole). Therefore,

both the Sacramento Division and the Fresno Division of the Eastern District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v. California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21, 2017) (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)). The court finds in its discretion “and in furtherance of justice” the petition should be transferred to the Sacramento Division of the Eastern District of California. 28 U.S.C. §§ 1404(a), 2241(d).

Accordingly, it is ORDERED:

1. The Clerk shall transfer this case to the United States District Court for the Eastern District of California, Sacramento Division; and
2. All future filings shall reference the new case number assigned and shall be filed at:

United States District Court
Eastern District of California
Sacramento Division
501 I Street, Room 4-200
Sacramento, CA 95814

IT IS SO ORDERED.

Dated: April 22, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE